

BP-A148.055

SEP 98

INMATE REQUEST TO STAFF

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) <i>Ms. Rebollo Case Manager</i>	DATE: <i>07/01/2024</i>
FROM: <i>Jacinto Onofre Aguirre</i>	REGISTER NO.: <i>70034-018</i>
WORK ASSIGNMENT: <i>Electrician</i>	UNIT: <i>1C-212</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

through this means I want to request your help to solve my problem regarding my F.S.A Time Credits and E.T.C for the following reasons:

I Continued in Attachments!

(Do not write below this line)

DISPOSITION:

In response to your allegation: Program Statement 5220.01 which you attached to your Cop Out is in relation to FSA incentive, this definition as policy states: Are rewards available to any inmates who participate in EBRR Programs in areas identified as needs through the Risk and Needs assessments as funding permits. Therefore, while you were eligible for FSA credits you received your incentives and BOP did not violate any of your rights as you imply.

Furthermore, it is stated in Program Statement 5410.01 CN-1 and 5410.01 CN-2 First Step Act of 2018-Time Credit: Procedures for Implementation of 18 U.S.C. & 3632(d)(4) Dated February 6, 2023, and March 10, 2023, that credits will be applied to your early release to supervision if you are not the subject of a Final Order of removal.

You have received DHS Form I-247A Immigration Detainer Notice of Action in which DHS has determined that probable cause exists that the subject is a removable Alien this determination was based on a Final Order of Removal as marked on the document. If you have any inquiries relating to this document should be addressed to the Department of Homeland Security. I hope this clarifies your doubts.

Signature Staff Member <i>[Signature]</i>	Date <i>07-22-2024</i>
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Record Copy - File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94

FILE IN SECTION 6 UNLESS APPROPRIATE FOR PRIVACY FOLDER

SECTION 6

1. According to the First Step Act law signed on 2018 by President Donald Trump and according to BOP policy called First Step Act Program Incentives, it's requirements are specified in detail and nowhere it's stated that by an Immigration Detainer BOP has the right to remove my credits earned by FSA and FTC, as evidenced in the copy of the policy attached as Ext#1.

2. The policy and memorandum stated that by my immigration status and by having a future removal doesn't make me ineligible to receive my credits earned by FSA and even more so when I have not seen an immigration judge nor do I have any pending cases in any other jurisdiction. BOP only has the right to remove any earned credits when an inmate is not opted in refusing to participate in any recommended programs by the Unit Team, by violating the rules of completing EBBR or PA programs, or by receiving an incident report, as is evidenced in the copy of the FSA policy attached as Ext#1.

3. By unexplained reasons by my Case Manager, my earned time credits and FSA were removed by a notice sent to me by an officer of the Department of Homeland Security letting me know that I'm subject to be removed in the future from U.S. territory and that BOP has to inform them of any movement between institutions or in case of any sickness that requires a transfer to a hospital or even in the case of death. This notice is not an order from a judge neither have I been in front of one or any court which does not give BOP the right to block my earned FSA credits and FTCs, as evidenced in the copy of the Immigration Detainer - Notice of Action attached as Ext#2.

4. My migratory status does not give permission to BOP to block and remove my earned time credits. A final order of deportation according to the law is issued at the end of a sentence and incarceration in BOP custody in order to transfer my custody from BOP to the Department of Homeland Security to deport me to my home country. BOP blocking my FSA credits because of an immigration officer is by an action made contrary to the law and BOP policy, violating my rights and punishing me by removing that which I have earned throughout my sentence with much effort working for my rehabilitation maintaining good behavior, studying and working following the FSA requirements and obeying recommendations from my Unit Team.

5. According to the policy and BOP law, my rights have been violated. This action of removing my FSA has been done by reasons that are not in the law. BOP and the Department of Homeland Security have been playing a game with inmates so often that by now it has become the norm in this institution of MDC Guaynabo.

6. In *Austen Yufenyuy v. Warden FCI Berlin*, case no 22-cv-443-AJ (District of NH, March 2023) the court stated that Mr. Yufenyuy which is a subject to a detainer order presented to BOP by service of the Department of Immigration and Customs Enforcement of the U.S.A. (ICE) presented a §2241 petition in 2022 stating that BOP had violated his rights under FSA by not applying FSA, he did earn time credits during his sentence and incarceration. On February 6, 2023 after Mr. Yufenyuy started this action BOP modified it's policy to eliminate any impediment to apply FSA time credits to an inmate's sentence by the existence of an immigration detainer. Evidenced in Ext#3.

7. According to the First Step Act law about FSA and FTCs according to BOP policy, I trust that my Unit Team and this institution MDC Guaynabo will solve this matter as soon as possible.

Thanks for your consideration and early response to this request

GUA 1330.18 B
January 11, 2019
Page 4

Attachment A

Documentation of Informal Resolution Attempt

Bureau of Prisons Program Statement 1330.18, Administrative Remedy Program, dated January 6, 2014, requires, in most cases, that inmates attempt informal resolution of grievances prior to the filing a formal written complaint. This form will be used to document your efforts toward informally resolving your grievance.

Inmate Name: Jacinto Inofre Register Number: 70034-018 Unit: 1-C-212

Specific Complaint and Requested Relief: I am requesting your help to solve my problem regarding my FTCs. I had 365 days earned in FTC applied to my early release but they were removed due to a letter from DHS. This letter is a detainer and not a final order of removal however my credits were removed.

Efforts Made by Inmate to Informally Resolve Grievance (be specific): I submitted a Cop-out to my Case Manager Ms. Rebollo with evidence of my eligibility and FSA Policy. It was denied based on § 3632 (d) (4) where it says that if a final order of removal exists it makes me ineligible, but such order does not exist, only a detainer. is no longer a criteria that determines eligibility for applying FTCs.

Comments: Per inmate request to Staff Response dated 7/22/24 by CSW Rebollo. You are not eligible to apply FTC's denied due to Final Order of Removal by DHS.

R. Murray
Correctional Counselor Review/Date

L. Call 8/5/24
Unit Manager Review/Date

Jacinto Inofre 07/24/2024
Inmate Signature/Date

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Onofre Aguirre Jacinto OAJ 70034-018 1-C MDC Guaynabo
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Through this means I am requesting your help to solve my problem regarding my FSA eligibility and my 365 days in earned FTC to my early release. I was FSA eligible and had 365 days in earned FTC applied to my release but then they were removed. On various documents like my team review my FSA was applied but when I received the "Immigration Detainer Notice of Action" form my FSA changed to ineligible. This form is a detainer and not a final order of removal and a detainer is no longer an obstacle for FSA. Since the policy § 3632(d)(4) was updated. On previous requests I attached a reference case and now on XT #4 there is another one similar to my situation in which the Court GRANTED an AIC to have his FTCs applied to early release who also had a detainer from DHS and not a final order of removal.

Please help me fix this in order to reapply my FTC Thank you

08/05/2024
DATE

[Signature]
SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

REQUEST FOR ADMINISTRATIVE REMEDY

Onofre-Aguirre, Jacinto
Register Number: 70034-018
Unit: 1C
Remedy ID No. 1209960-F1

B-Response

This is in response to your Administrative Remedy request dated August 5, 2024, regarding the removal of First Step Act credits. In your request to staff you asked that the credits be returned to your sentence calculation.

A review of this matter reveals the following regarding your request. Your First Step Act eligibility was reviewed, and it was determined that you are eligible for First Step Act as your offense is not listed as excludable. We received an Immigration Detainer-Notice of Action, dated June 11, 2024, that states that there is a current, final order of removal against you. The Program Statement 5410.01 CN-2 First Step Act of 2018-Time credits: Procedures for Implementation of 18 U.S.C. 3632(d)(4) on section 10 Application of FTC's enumerates the criteria for credits to be applied towards early release.

"For inmates who meet the following criteria, up to 365 days of earned FTCs will be automatically applied to early release:

- Has a term of supervised release to follow the term of incarceration.
- Has a low or minimum PATTERN risk level.
- Has maintained a low or minimum PATTERN risk level for at least two consecutive assessments conducted during regularly scheduled Program Reviews.
- Is not the subject of a final order of removal under immigration laws, and
- Has not opted out or refused to participate in any required program, and therefore, is in earning status."

In your case, you do have a final order of removal therefore, although you are eligible to First Step Act you are not eligible for credits to be applied towards your early release to supervision.

Based on the above information, your request for Administrative Remedy is **denied** as you are subject to a final order of removal by Immigration and Customs Enforcement. In the event you are not satisfied with this response, you may appeal within 20 calendar days from the date of this response. Your appeal should be submitted to the Regional Director, Southwest Regional Office, 3800 Camp Creek Parkway SW, Building 2000, Atlanta, GA 30331-6226.


Angel L. Adan, Warden

8/26/24
Date

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Onofre Aguirre Jacinto Mauricio 70034-018 1-C M.D.C. Guaynabo
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

My earned FSA Time Credits were wrongly removed because of an existing detainer that is supposed to be "relayed" to "any other law enforcement agency to which you transfer custody of the alien" In that same detainer it says that probable Cause exist that the Subject is a removable alien. It is also stated that this determination is based on two things (1) A final order of removal against the alien and (2) the pendency of ongoing removal proceeding against the alien. This is Contradictory because either the removal proceedings are ongoing or a final order of removal has been issued. - Continued in attachments -

09/10/2024
DATE

[Signature]
SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C - RECEIPT

CASE NUMBER: _____

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL



Because if the proceedings are still ongoing how can a final order be issued? Common sense tells me that it can't. It is even stated in that same detainer just a couple boxes down that this detainer arises from DHS authorities, and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters. MDC's administration either didn't read the detainer or doesn't understand the meaning of what it's being said in said detainer. Because clearly their decision of taking away my earned time credits it's being justified with the same document, "the detainer" that says they can't.

Because taking away my time credits directly impacts my rehabilitation, my release and "other matters" which the detainer clearly states that it shouldn't.

I've been asking the warden and my case manager for a copy of the "final order of removal" that they insist that I have but I've never received, because it just doesn't exist. In fact on 11-20-2023 it was posted on the Trulincs bulletin board a notification that backs up what I've researched and stated before. I have added this post here as Ext # 1

I thank you for your time I trust that this nightmare is going to end here and my removed 365 days of time credits are going to be restored. Because they never shouldn't have been removed.

09/10/2024

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: 394460113
Event #: SAJ2406000089

File No: 209 879 853
Date: June 11, 2024

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency) GUAYNABO MDC (SAN JUAN)
PO BOX 2146
SAN JUAN, PR 00922

FROM: (Department of Homeland Security Office Address)
SAN JUAN, PR, SERVICE PROCESSING CENTER (DOCKET CONTROL OFFICE)
DHS/ICE/DRO
7 TABONUCO STREET
SUITE 100

Name of Alien: ONOFORE AGUIRRE, JACINTO MAURICIO

Date of Birth: 11/21/1990 Citizenship: ECUADOR Sex: M

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).

BOF #: 70034-018

- ☒ A final order of removal against the alien;
☒ The pendency of ongoing removal proceedings against the alien;
☐ Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
☐ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

- ☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- Notify DHS as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling ☒ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at 318-422-7218. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
 - Maintain custody of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien must be served with a copy of this form for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
 - Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
 - Notify this office in the event of the alien's death, hospitalization or transfer to another institution.
- ☐ If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

A 8905 ARBELO - Deportation Officer

(Name and title of Immigration Officer)

ANTONIO A. ARBELO V.
ARBELO V.
DHS/ICE/DRO
01/21/25 04:01

(Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____.

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____



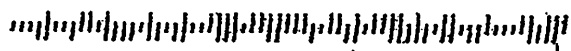
This form was served upon the alien on _____, in the following manner:

☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

(Name and title of Officer)

(Signature of Officer) (Sign in ink)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<p><input type="checkbox"/> Complete items 1, 2, and 3.</p> <p><input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>																
<p>1. Article Addressed to:</p> <p>Southwest Regional Office 3800 Camp Creek Parkway SW Building 2000 Atlanta, GA 30331 - 6226</p>  <p>9590 9402 8401 3156 3186 39</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Insured Mail																	
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PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receipt																

USPS TRACKING#		
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9590 9402 8401 3156 3186 39		
United States Postal Service	• Sender: Please print your name, address, and ZIP+4® in this box*	
	Jacinto Mauricio Onofre Aguirre 70034-018 MDC Guaynabo P.O.Box 2005 Cataño, PR 00963 10	
3-200505		

INMATE REQUEST TO STAFF RESPONSE

Name: Onofore-Aguirre, Jacinto Mauricio

Register Number: 70034-018

Unit: 1C

This is in response to your Inmate Request to Staff, dated November 14, 2024, wherein you are requesting that your First Step Act eligibility be reviewed. An investigation was conducted regarding your eligibility and the following was found: In reference to the status of your FSA credits, you are eligible for FSA but ineligible for credits to be applied towards release due to a final order of deportation. The notice of rejected filing from the Executive Office of Immigration states that your case is not pending, meaning it is not open. Your case closed with the determination of the immigration judge to impose a final order of removal against you dated June 11, 2024.

According to the Code of Federal Regulations, Title 8, Chapter 5, Part 1241.31 Final order of deportation states:

"Except as otherwise required by section 242(c) of the Act for the specific purposes of that section, an order of deportation, including an alternate order of deportation coupled with an order of voluntary departure, made by the immigration judge in proceedings under 8 CFR part 1240 shall become final upon dismissal of an appeal by the Board of Immigration Appeals(BIA), upon waiver of appeal, or upon expiration of the time allotted for an appeal when no appeal is taken; or, if such an order is issued by the Board or approved by the Board upon certification, it shall be final as of the date of the Board's decision."

§ 1241.1 Final order of removal.

An order of removal made by the immigration judge at the conclusion of proceedings under section 240 of the Act shall become final:

- (a) Upon dismissal of an appeal by the Board of Immigration Appeals;
- (b) Upon waiver of appeal by the respondent;
- (c) Upon expiration of the time allotted for an appeal if the respondent does not file an appeal within that time;
- (d) If certified to the Board or Attorney General, upon the date of the subsequent decision ordering removal;
- (e) If an immigration judge orders an alien removed in the alien's absence, immediately upon entry of such order; or
- (f) If an immigration judge issues an alternate order of removal in connection with a grant of voluntary departure, upon overstay of the voluntary departure period, or upon the failure to post a required voluntary departure bond within 5 business days. If the

respondent has filed a timely appeal with the Board, the order shall become final upon an order of removal by the Board or the Attorney General, or upon overstay of the voluntary departure period granted or reinstated by the Board or the Attorney General.

In some cases, you may be able to file a Motion to Reopen or Reconsider your case. These motions allow the Immigration Judge or the BIA to review your case again, either due to new facts or a possible misapplication of the law. Filing these motions is complex, and the criteria are stringent. A knowledgeable Deportation Appeals Attorney can assess your case, determine if you qualify for these motions, and handle the filing process.

Motion to Reopen: This motion is typically filed within 90 days of the final removal order and is based on new evidence, changed circumstances, or other factors such as ineffective assistance of counsel. A Deportation Appeals Lawyer can help gather the necessary documentation and present a compelling case to the court.

Motion to Reconsider: This must be filed within 30 days and is used to challenge the previous decision on the grounds of legal error. Again, the expertise of a Deportation Appeals Attorney is critical in crafting a persuasive argument.

I trust this has been responsive to your concern.



Frances A. Rivera, Associate Warden

11-19-2024

Date

BP-A148.055

SEP 98

INMATE REQUEST TO STAFF

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Mr: MERCADO	DATE: 11/14/2024
FROM: ONOFRE AGUIRRE JACINTO	REGISTER NO.: 70034-018
WORK ASSIGNMENT: N/A	UNIT: 1-C 212

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.

The purpose of this cop-out ask you respectfully to verify my FSA status in the system, because it comes out ineligible, makes it imposible for me to get the credit and benefit my self of the FIRST STEP ACT. Attach to this letter is evidence confirming that I have no pending case in HOME LAND SECURITY or any file in the national data base afirming that I have a final deportation order. (EXHIBIT A)

Please take action helping me in this matter and to find the solution of it.. THANK YOU FOR YOUR TIME IN AVANCE..

(Do not write below this line)

DISPOSITION:

Signature Staff Member	Date
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Record Copy - File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94

FILE IN SECTION 6 UNLESS APPROPRIATE FOR PRIVACY FOLDER

SECTION 6



U.S. Department of Justice

Executive Office for Immigration Review
Miami
Immigration Court

333 South Miami Avenue
Suite 700
Miami, FL 33130

Name: JACINTO MAURICIO ONOFRE AGUIRRE
Ar 209-879-853 Date of Notice: 10/11/24

REJECTED FILING
NOTICE TO ATTORNEY OR REPRESENTATIVE

This notice is to inform you that the filing received by the Immigration Court on 9/16/24, is being rejected for the reasons given below. We have returned your filing and all attachments for correction. If you are required to return the documents in paper form, you must return them promptly to the Immigration Court and serve a copy on the Department of Homeland Security. See Practice Manual Chapter 3.1(d)(i). If you are required to return the documents electronically, you must return them promptly to the Immigration Court using the ECAS online filing portal. You must also attach this rejection notice to documents that you are returning.

Documents being rejected: PETITION FOR REVOCATION OF A
FINAL ADMINISTRATIVE REMOVAL ORDER

- ☐ **No Proof of Service** – The filing did not include a proof of service. An exact copy of your filing must be served on the opposing party. See Practice Manual Chapter 3.2 and Appendix G.
- ☐ **Improper Proof of Service** – The Proof of Service does not comply with the applicable requirements. See Practice Manual Chapter 3.2 and Appendix G.
- ☐ **Electronic Filing Required** – The Record of Proceeding (ROP) is an electronic ROP. You did not electronically submit this filing. See 8 C.F.R. § 1003.31.
- ☐ **No Fee Receipt, Other Proof of Payment, or Fee Waiver Request** – There is a fee required for this filing. The fee must be paid to the Department of Homeland Security. You did not provide a fee receipt, other proof of payment, or fee waiver request. See Practice Manual Chapter 3.4.
- ☐ **Fee Incorrectly Paid to Court** – You have attached a check or money order to this filing. The Immigration Court does not accept fees. For filings that require fees, you must submit the fee to the Department of Homeland Security. See Practice Manual Chapter 3.4.
- ☐ **No Name** – The filing is missing the respondent's name. See Practice Manual Chapter 3.3 and Appendix F.
- ☐ **No A-Number** – The filing is missing the respondent's A-number. See Practice Manual Chapter 3.3 and Appendix F.

- ☐ **No Notice of Entry of Appearance – No Notice of Entry of Appearance (Form EOIR-28)** has been filed indicating that you are the attorney or representative of record. Until you have filed a Form EOIR-28 with the court, you cannot represent this respondent before the court. *See Practice Manual Chapter 2.1.*
- ☐ **Other Counsel Entered –** A properly filed Form EOIR-28 indicates that the respondent is presently being represented by another attorney or accredited representative. The court cannot accept your Form EOIR-28 until you either file a motion to substitute or annotate your Form EOIR-28 to reflect an "on-behalf-of" appearance or an appearance as co-counsel, as appropriate. *See Practice Manual Chapter 2.3.*
- ☐ **Incorrect Filing Location (Case at Court) –** This Immigration Court is not, at this time, the correct filing location. Our records indicate that the Immigration Court is the correct filing location. Immigration Court address can be found at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.
- ☐ **Incorrect Filing Location (Case at BIA) –** This Immigration Court is not, at this time, the correct filing location. Our records indicate that the Board of Immigration Appeals is the correct filing location.
- ☒ **Case not Pending –** According to our records, this case is not pending before this Immigration Court, nor does it appear in our national computer database as pending before any Immigration Court. Please check the A-number and name of the respondent and/or contact the Department of Homeland Security regarding the filing of a Notice to Appear. The Immigration Court cannot schedule a hearing or take any action unless the Department of Homeland Security has filed the charging document with the Immigration Court.
- ☐ **Missing or Improper Signature –** The filing is not properly signed. Most filings require an original signature by the filing party. *See Practice Manual Chapter 3.3(b).*
- ☐ **No Translation or Improper Translation –** You did not provide an English translation for a foreign language document, or you provided an improper translation. *See Practice Manual Chapter 3.3(a).*
- ☐ **No Cover Page –** You did not provide a cover page. *See Practice Manual Chapter 3.3(c)(vi) and Appendix F.*
- ☐ **Not Two-Hole Punched –** The filing was not two-hole punched. *See Practice Manual Chapters 3.3(c)(iv) and 3.3(c)(viii).*
- ☐ **No Pagination –** The filing was not page-numbered. *See Practice Manual Chapter 3.3(c)(iii).*
- ☐ **No Proposed Order –** You filed a motion seeking a ruling but did not provide a proposed order. *See Practice Manual Chapter 5.2(b) and Appendix Q.*
- ☐ **Other:**

The Immigration Court Practice Manual may be found at www.justice.gov/eoir.

Certificate of Service

This document was served by: ☒ Mail ☐ Personal Service
 To: ☐ Noncitizen ☐ Noncitizen c/o Custodial Officer ☐ Noncitizen's Atty/Rep ☐ DHS
 Date: 10/11/24 By: Court Staff RS
 Attachments: ☐ EOIR -33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

EXT #2

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTIONSubject ID: 394460113
Event #: SAJ2406000089File No: 209 879 853
Date: June 11, 2024TO: (Name and Title of Institution - OR Any Subsequent Law
Enforcement Agency) GUAYNABO MDC (SAN JUAN)
PO BOX 2146
SAN JUAN, PR 00922FROM: (Department of Homeland Security Office Address)
SAN JUAN, PR, SERVICE PROCESSING CENTER (DOCKET
CONTROL OFFICE)
DHS/ICE/DRO
7 TABONUCO STREET
SUITE 100

Name of Alien: ONOFORE AGUIRRE, JACINTO MAURICIO

Date of Birth: 11/21/1990 Citizenship: ECUADOR Sex: M

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS
DETERMINATION IS BASED ON (complete box 1 or 2).

BOP #: 70034-018

- ☒ A final order of removal against the alien;
☒ The pendency of ongoing removal proceedings against the alien;
☐ Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
☐ Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

- ☐ Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- Notify DHS as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling ☒ U.S. Immigration and Customs Enforcement (ICE) or ☐ U.S. Customs and Border Protection (CBP) at 318-422-7218. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
- Maintain custody of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. **This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters**
- Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

☐ If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

A 8905 ARBELO - Deportation Officer

(Name and title of Immigration Officer)

ANTONIO A
ARBELO V
Digitally signed by
ANTONIO A ARBELO V
Date: 2024.06.20
09:53:23 -0400

(Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____.

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the alien on _____, in the following manner:

☐ in person ☐ by inmate mail delivery ☐ other (please specify): _____

(Name and title of Officer)

(Signature of Officer) (Sign in ink)

GUA FZ * INMATE EDUCATION DATA * 01-07-2025
 PAGE 001 OF 001 * TRANSCRIPT * 15:04:13

REGISTER NO: 70034-018 NAME.: ONOFORE AGUIRRE FUNC: PRT
 FORMAT.....: TRANSCRIPT RSP OF: GUA-GUAYNABO MDC

----- EDUCATION INFORMATION -----
 FACL ASSIGNMENT DESCRIPTION START DATE/TIME STOP DATE/TIME
 GUA ESL EXEMPT ESL NEED-PERMANENTLY EXEMPT 10-18-2018 1122 CURRENT
 GUA GED EARNED GED EARNED IN BOP 03-09-2022 1445 CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
GUA CAD M	FSA: BRAIN HEALTH AS YOU AGE	07-01-2024	09-30-2024	P	C	P	5
GUA CAD M	HEALTH: FENTANYL AWARENESS	09-18-2024	09-19-2024	P	C	P	2
GUA CAD M	SKIN CANCER PREVENTION	09-09-2024	09-11-2024	P	C	P	2
GUA CAD M	PRINCIPLES OF WALK FOR FITNESS	01-15-2024	03-31-2024	P	C	P	30
GUA CAD M	FSA-WELLNESS IN & OUT	10-02-2023	11-14-2023	P	C	P	14
GUA CAD M	HEALTH FAIR	02-14-2024	02-14-2024	P	C	P	4
GUA CAD M	INTRODUCTION TO BANKING	12-14-2023	02-07-2024	P	C	P	2
GUA CAD M	JUMP ROPE TECHNIQUES COURSE	01-08-2024	01-24-2024	P	C	P	10
GUA CAD M	PRINCIPLES OF HUMAN ANATOMY	12-12-2023	01-08-2024	P	C	P	6
GUA CAD M	PRINCIPLES OF BASIC DRAWING	08-24-2023	09-30-2023	P	C	P	20
GUA CAD M	INTRODUCTION TO SPANISH	05-04-2023	07-20-2023	P	C	P	16
GUA CAD M	HEALTHY MINDS AND BODIES	04-22-2023	07-18-2023	P	C	P	24
GUA CAD M	BASIC CROCHET SKILLS CLASS	05-05-2023	07-07-2023	P	C	P	30
GUA CAD M	HEALTH FAIR	05-17-2023	05-17-2023	P	C	P	4
GUA CAD M	FSA: ARTH FND- WALK WITH EASE	11-22-2022	01-17-2023	P	C	P	6
GUA CAD M	HISTORY OF PUERTO RICO	10-07-2022	12-05-2022	P	C	P	20
GUA CAD M	EATING RIGHT HABITS	05-06-2022	09-22-2022	P	C	P	4
GUA CAD M	FDIC: MS-1 BORROWING BASICS	06-07-2022	06-10-2022	P	C	P	3
GUA CAD M	JOB FAIR-INFORMATIONAL	06-28-2022	08-08-2022	P	C	P	4
GUA CAD M	JOB FAIR- INTERVIEW FOCUSED	08-03-2022	08-09-2022	P	C	P	4
GUA CAD M	JOB SKILLS AND INTERVIEWS	06-27-2022	06-27-2022	P	C	P	4
GUA CAD M	INTRODUCTION TO RESUMES	06-23-2022	06-24-2022	P	C	P	8
GUA CAD M	START NEW BUSINESS	03-21-2022	07-12-2022	P	C	P	30
GUA CAD M	PRINCIPLES OF BASIC DRAWING	03-02-2022	04-20-2022	P	C	P	20
GUA CAD M	CREDIT REPORT	02-16-2022	03-07-2022	P	C	P	6
GUA CAD M	GED 8:00-AM 9:30AM MON-FRI	10-11-2021	03-09-2022	P	C	P	136
GUA CAD M	POETRY- INDEPENDENT STUDY	11-02-2021	01-10-2022	P	C	P	8
GUA CAD M	FSA: NATIONAL PARENTING CLASS	12-13-2021	01-19-2022	P	C	P	6
GUA CAD M	BASIC CARDIO WELLNESS COURSE	11-08-2021	12-18-2021	P	C	P	30
RIV	INEA, EDU 3008, T, W, H 6PM	05-01-2019	07-30-2019	P	C	P	40
RIV	BCT WAREHOUSE M-F 8A-11A	10-26-2018	12-14-2018	P	W	V	0

----- HIGH TEST SCORES -----

TEST	SUBTEST	SCORE	TEST DATE	TEST FACL	FORM	STATE
GED 2014	MATH	150.0	12-15-2021	GUA		
	RLA	145.0	03-08-2022	GUA		
	SCIENCE	150.0	12-15-2021	GUA		
	SOC STUDY	154.0	02-18-2022	GUA		

G0000 TRANSACTION SUCCESSFULLY COMPLETED